



AFJ ZW
PATENT

Pragitioner's Docket No. NAI1P486/01.060.01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Neil John Hursey et al.

Application No.: 09/975,991

Group No.: 2135

Filed: October 15, 2001

Examiner: To, B.

For: MALWARE SCANNING AS A LOW PRIORITY TASK

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES
(37 C.F.R. § 41.31)**

Applicant hereby appeals to the Board from the decision of the Primary Examiner, mailed March 10, 2006, for a second time rejecting claims 1-27.

1. STATUS OF APPLICANT

This application is on behalf of other than a small entity.

06/16/2006 BABRAHA1 00000041 501351 09975991
01 FC:1401 500.00 JA

CERTIFICATION UNDER 37 C.F.R. ' ' 1.8(a) and 1.10*
(When using Express Mail, the Express Mail label number is **mandatory**;
Express Mail certification is optional.)

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37 C.F.R. § 1.8(a)

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37 C.F.R. § 1.10*

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TRANSMISSION

facsimile transmitted to the Patent and Trademark Office, (571) 273 -8300.

Date: 6/12/2006

Erica L. Farlow
Signature

Erica L. Farlow
(type or print name of person certifying)

* Only the date of filing (' 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under ' 1.8 continues to be taken into account in determining timeliness. See ' 1.703(f). Consider "Express Mail Post Office to Addressee" (' 1.10) or facsimile transmission (' 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

2. FEE FOR FILING NOTICE OF APPEAL

Pursuant to 37 C.F.R. § 41.20(b)(1), the fee for filing the Appeal Brief is:

Other than a small entity	\$500.00
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Notice of Appeal fee due	\$500.00
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3. EXTENSION OF TERM

Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

4. TOTAL FEE DUE

The total fee due is:

Notice of Appeal fee	\$500.00
TOTAL FEE DUE	\$500.00

5. FEE PAYMENT

Authorization is hereby made to charge the amount of \$500.00 to Deposit Account No. 50-1351 (Order No. NAI1P486).

Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this transmittal is attached.

6. FEE DEFICIENCY

If any additional extension and/or fee is required, and if any additional fee for claims is required, charge Deposit Account No. 50-1351 (Order No. NAI1P486).

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Signature of Practitioner
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